

## **ZONING BOARD OF APPEALS MEETING MINUTES**

**JUNE 5, 2006**

**PRESENT:** Mary Cardin, Kenneth Braga, Mark Spurling, William Harford (arrived 7:05pm), and Alternates Robert Wambolt, Ronald Stomberg

**ABSENT:** Aaron Rossow, Robert Palozej and Alternate Joseph Snyder

### **STAFF**

**PRESENT:** Lisa Houlihan, ZEO and Kristin Michaud, Recording Secretary

### **I. CALL TO ORDER:**

Chairman Cardin called the Zoning Board of Appeals (ZBA) meeting to order at 7:04 p.m. at the Ellington Town Hall Annex, 57 Main Street, Ellington, CT.

**II. PUBLIC COMMENTS:** Ms. Houlihan read an excerpt from What's Legally Required defining hardship.

### **III. PUBLIC HEARINGS:**

1. #V200608—John & Jean Rourke for variances to the Ellington Zoning Regulations, Section 5.2—Area & Yard Requirements & Section 5.3g(1)(a)—Additional Yard Requirements: for a front yard setback (Route 30) from 60' to 2' for a 22' x 12' detached garage; for a front yard setback (West Shore Road) from 35' to 0.5' for a 22' x 12' detached garage; a front yard setback (Route 30) from 60' to 38' for a 10' x 6' addition; a front yard setback (West Shore Road) from 35' to 7.5' for a 10' x 6' addition; a front yard setback (Route 30) from 60' to 51.5' for a 4' x 11' addition; a front yard setback (West Shore Road) from 35' to 15' for a 4' x 11' addition; a rear yard setback from 10' to 6.5' for a deck staircase; and to increase building coverage to 21.2% on property located at 139 West Shore Road, APN 169-013-0000 in a LR Zone.

**TIME:** 7:05 p.m.

**SEATED:** R. Wambolt, R. Stromberg, K. Braga, W. Harford, M. Spurling, M. Cardin

Robert Harold, Architect came forward for the applicant. He explained that the cottage predates zoning and that the proposals would allow his client to use the house year round. They propose to go from 900 square feet to 1,400 square feet. West Shore Road bisects the property locating the proposed garage one foot away from the road. In response to the commissions concern for the close proximity of the proposed garage to the road, Mr. Harold explained that the foundation walls could be made higher than what is proposed to accommodate such closeness to the road.

In response to Chairman Cardin, Mr. Harold explained that the deck is existing and that the variances do not bring the dwelling's footprint closer to the water.

Ruth Walworth of 141 West Shore Road, expressed concern about the proposed garage being so close to West Shore Road and questioned the problem such may create for snow removal.

Commissioner Braga was concerned with the proposed lot coverage, noting the trend of large additions at Crystal Lake and long term affect to it and expressed concern for adequate access for emergency vehicles.

Commissioner Wambolt explained that Crystal Lake was designed to be a summer cottage/seasonal use and expressed concern in allowing variances that allow structures to be enlarged as primary dwellings.

Several members of the public spoke in favor of the application. The members of the public were: Kirk Walworth and Edward Gerber.

Chairman Cardin explained that the concern is not with the variances to the house, but the proposed garage and additional impervious surface created by such.

Commissioner Braga requested that the Department of Public Works Director, Pete Michuad review the proposed garage's proximity to West Shore Road and comment on the potential damage to personal property by plow trucks.

**MOVED (WAMBOLT), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200608—JOHN & JEAN ROURKE.**

**MOVED (SPURLING), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CONTINUE #V200608—JOHN & JEAN ROURKE TO THE JULY 10, 2006 MEETING TO ALLOW STAFF TO SEEK A RESPONSE FROM THE DEPARTMENT OF PUBLIC WORKS DIRECTOR REGARDING THE CLOSE PROXIMITY OF THE PROPOSED GARAGE TO THE ROAD WAY AND ANY POTENTIAL SNOW REMOVAL COMPLICATIONS SUCH MAY CREATE.**

2. #V200609—Roger Dudek for a variance to the Ellington Zoning Regulations, Section 4.10a IP Zone, Permitted Uses & Section 6.1 Non-Conforming Uses: for a use variance to allow the expansion of the residential use for construction of a 16' x 22' sunroom addition on property located at 121 Windermere Avenue, APN 017-017-0000 in an IP Zone.

**TIME:** 7:35 p.m.

**SEATED:** R. Wambolt, R. Stromberg, K. Braga, W. Harford, M. Spurling, M. Cardin

Roger Dudek came forward and reviewed his proposal with the Commission. He explained that the deck is in need of repair and that he would like to reconstruct the deck as a sunroom; no enlargement to the footprint is proposed.

**MOVED (SPURLING), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO CLOSE THE PUBLIC HEARING FOR #V200609—ROGER DUDEK.**

**MOVED (BRAGA), SECONDED (WAMBOLT) AND PASSED UNANIMOUSLY TO APPROVE #V200609—ROGER DUDEK.**

**HARDSHIP: HOME WAS CONSTRUCTED BEFORE ZONE CHANGE NECESSITATING USE VARIANCE.**

3. #V200610—William Keohane for variances to the Ellington Zoning Regulations, Section 5.2—Area & Yard Requirements: for a front yard setback from 35' to 26'; side yard setbacks (north & south) from 10' to 0'; rear yard setback from 10' to 5.5'; and to increase building coverage to 31% for an addition including decks on property located at 42 Aborn Road, APN 149-091-0000 in an A Zone.

**TIME:** 8:05 p.m.

**SEATED:** R. Wambolt, R. Stromberg, K. Braga, W. Harford, M. Spurling, M. Cardin

Chairman Cardin noted the various staff comments received to file and the multiple concerns raised regarding the proposal. Discussion ensued. A copy of the comments from the Fire Marshal and Town Planner were provided to Peter Demalie.

Peter Demalie of Design Professionals came forward for the applicant. He explained that the variances are being requested to allow the owner to renovate/enlarge the existing structure to use as a retirement home. He explained that the deck proposed to the front of the home over an existing sanitary sewer easement could be built as a breakaway deck for easier access by the Town. Mr. Demalie reviewed the narrative statement on file explaining the hardships present. He reviewed pictures of the subject and adjacent properties, noting that the house and lot predate zoning and stated that planning was accomplished without zoning prior to zoning.

Chairman Cardin questioned the square footage of the decks to which Mr. Demalie wasn't sure.

Chairman Cardin noted that the proposal almost doubles the lots current coverage.

Several members of the public spoke in favor of the application. The members of the public were: Joseph Canali, Ann Bonney, Paul Bouvier, Charles Adams and David Gauthier.

Commissioner Braga suggested that the garage and house be moved away from the lake to provide less lot coverage.

Mr. DeMalie stated that he was unaware of the issues raised by staff to which Ms. Houlihan stated that such concerns were verbally expressed to Mr. DeMalie and Mr. Keohan at a recent preliminary review meeting. Ms. Houlihan noted that the plan presented to the commission is the same as presented to the Coordination Committee.

Mr. Demalie asked for time to revisit the proposal to see if some of the comments could be addressed.

Ms. Houlihan noted Town Policy requiring plans to be submitted within 2 weeks of the next meeting. Mr. Demalie noted time constraints and the possibility that they may not be ready until

the August meeting. Ms. Houlihan requested that a letter be submitted granting a continuance to which Mr. Demalie acknowledged.

The Commission concurred with the concerns raised by staff and was in agreement with the lack of a hardship being presented for the subject property.

**MOVED (WAMBOLT), SECONDED (HARFORD) AND PASSED UNANIMOUSLY TO CONTINUE THE PUBLIC HEARING FOR #V200610—WILLIAM KEOHANE TO THE JULY 10, 2006 MEETING.**

4. #V200611—Elisa & Eben Holmes for a variance to the Ellington Zoning Regulations, Section 4.2b(4)(f) Accessory Apartments: to allow the accessory apartment in a detached garage, which will not have a connecting door between the two units on property located at 240 Crystal Lake Road, APN 084-014-0000 in an AA Zone.

**TIME:** 8:50 p.m.

**SEATED:** R. Wambolt, R. Stromberg, K. Braga, W. Harford, M. Spurling, M. Cardin

Eben Holmes of 240 Crystal Lake Road, came forward for the application. Mr. Holmes explained that the main reason for the application was to provide a garage for his work vehicles. The commission reviewed the regulations and legal hardship requirements. They discussed the layout of the lot and alternative proposals. Mr. Holmes noted his primary need was for the garage and decided to withdraw his application for the accessory apartment.

Mr. Holmes was asked to visit the Planning Department to review his Planning & Zoning Commission application to remove the accessory apartment from the plan.

**MOVED (SPURLING), SECONDED (BRAGA) AND PASSED UNANIMOUSLY TO ACCEPT THE WITHDRAWL OF THE PUBLIC HEARING FOR #V200611—ELISA & EBEN HOLMES.**

**IV. UNFINISHED BUSINESS: NONE**

**V. NEW BUSINESS: NONE**

**VI. ADMINISTRATIVE BUSINESS:**

1. Approval of the May 1, 2006 Meeting Minutes

**MOVED (BRAGA), SECONDED (WAMBOLT) AND PASSED (M. SPURLING: ABSTAINED) TO APPROVE THE MAY 1, 2006 MEETING MINUTES.**

2. Correspondence:
  - a. Memo to staff from Rob Phillips, dated 4/20/06 (Submission of revised plans)
  - b. Email to Chris Yanaros from Rob Phillips, dated 5/3/06 (CPI)
  - c. Cease & Desist Order to Gene & Susan Sheehan from Lisa Houlihan, dated 5/24/06 (75 Muddy Brook Road)
  - d. Notice of Violation to Robert & LeAnn Sanville from Lisa Houlihan, dated 5/30/06 (104 Webster Road)

- e. Memo to Mary Cardin from First Selectman Stupinski, dated 5/25/06  
(Recognition ceremony)

Chairman Cardin extended appreciation and congratulations to Mr. Spurling for his ten (10) years of dedication to the ZBA.

**SO NOTED.**

**VII. ADJOURNMENT:**

**MOVED (BRAGA), SECONDED (SPURLING) AND PASSED UNANIMOUSLY TO ADJOURN THE MEETING AT 9:10PM.**

Respectfully Submitted,

Kristin Michaud  
Recording Secretary